

REMARKS

Claims 1-34 are pending, and claims 35-49 are canceled. Claims 23-34 are withdrawn by the Examiner according to the Restriction Requirement made final in the Office Action of December 13, 2007. Claims 1-22 are examined. Applicants reserve the right to pursue one or more continuations, divisionals, or continuations-in-part to any canceled subject matter.

Support for Amendments

Claim 1 is amended to remove the terms "derivative" and "prodrug" as well as for grammatical reasons. Claims 8, 10, 13, 14, 15, 19, 20, and 21 are amended for grammatical reasons. Claims 11, 12, 18 are amended to claim embodiments of R groups (*i.e.*, R¹, etc.), further selected from the group consisting of SiR'₃, C(=O)R', and substituted alkyl, where the three groups are present in the definition of R in independent claim 1.

Withdrawn claims 25-34 are amended to be consistent with the examined claims.

Support can be found in the specification and claims as originally filed. No new matter is entered.

Rejection Under 35 U.S.C. § 112, 1st paragraph

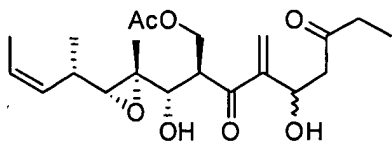
The Office Action rejects claims 1-22 under 35 U.S.C. § 112, 1st paragraph for failing to comply with the written description requirement. The Office Action states that the terms prodrug and derivative are not defined in the specification so as to ascertain the structures of compounds that are included and/or excluded by the terms. The Office Action further states that deletion of the terms would overcome the rejection.

Applicants respectfully traverse. However, in order to advance prosecution, the terms are deleted. Applicants respectfully request withdrawal of the rejection.

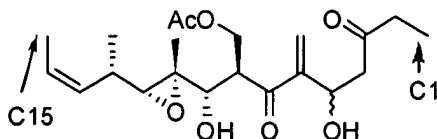
Rejection Under 35 U.S.C. § 112, 2nd paragraph

The Office Action rejects claims 1-22 under 35 U.S.C. § 112, 2nd paragraph, as being indefinite for reasons as set forth under 35 U.S.C. § 112, 1st paragraph. Applicants respectfully traverse. However, in order to advance prosecution, the terms prodrug and derivative are deleted. Applicants respectfully request withdrawal of the rejection.

Additionally, the Office Action indicates that the proviso of claim 1 excluding the compound of formula:



is redundant as the compound is not otherwise encompassed by claim 1. Applicants respectfully traverse on the basis that the compound of the formula is otherwise encompassed by claim 1, and is therefore properly excluded by proviso. For ease of reference, the carbon chain is numbered C1-C15 as follows:



(see also specification at page 1). For the Carbon-9 and Carbon-5 positions, R is H. According to claim 1, R may be selected from the group that includes H. For the Carbon-8 position, R is Ac, also known as an acetyl group ($C(=O)CH_3$). According to claim 1, R may be selected from $C(=O)R'$, where R' may be an unsubstituted alkyl. CH_3 is an unsubstituted alkyl. Finally, for the Carbon-6 position, R'' is methyldiene ($H_2C=$). According to claim 1, R'' may be selected from unsubstituted alkylidene. Methyldiene is an unsubstituted alkylidene. According to

standard chemical nomenclature, an alkylidene is the group formed from an alkane by removal of two hydrogen atoms from the same carbon atom, the free valencies of which are part of a double bond (see IUPAC Compendium of Chemical Terminology, 2nd Edition, 1997, page 1314, a copy of which is attached for the convenience of the Examiner). Applicants respectfully request withdrawal of the rejection.

Additionally, the Office Action rejects claims 11-21 for improperly depending from claim 1 and/or 10. The Office Action states that the term “protective group” and the cited groups in claims 16-17 have no basis in claims 1 or 10, and therefore claims 11-21 are indefinite. The Office Action also states that the claims must cite only the specific protective groups within the scope of claim 1. Applicants respectfully traverse. However, in order to advance prosecution, the term “protecting group” is removed, and the protecting groups SiR'_3 , $\text{C}(=\text{O})\text{R}'$, and substituted alkyl are listed in claims 11, 12, and 18. There is word-for-word basis for these groups in claim 1. With respect to the groups from claim 16, Applicants note the following relationship between each group from claim 16 with a generic group from claim 1:

Group from Claim 16	Group from Claim 1
TBS ($\text{tBuMe}_2\text{Si-}$)	SiR'_3
TBDPS ($\text{tBuPh}_2\text{Si-}$)	SiR'_3
TES ($\text{Et}_3\text{Si-}$)	SiR'_3
MOM ($\text{CH}_3\text{OCH}_2\text{-}$)	substituted alkyl
MEM ($\text{CH}_3\text{OCH}_2\text{CH}_2\text{OCH}_2\text{-}$)	substituted alkyl
SEM ($((\text{CH}_3)_3\text{SiCH}_2\text{CH}_2\text{OCH}_2\text{-})$)	substituted alkyl
Ac- ($\text{CH}_3\text{CO-}$)	$\text{C}(=\text{O})\text{R}'$

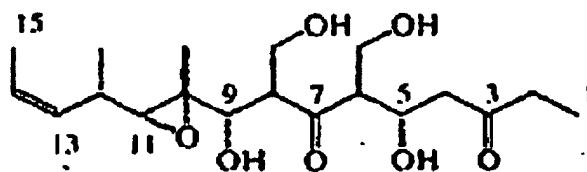
The two groups from claim 17 are also represented in the above table. Therefore, Applicants respectfully request withdrawal of the rejection.

Finally, the Office Action states that the R-superscripts in the structures of claims 12-20 are not clear, while in claims 19-20, the Rs are not defined. Applicants respectfully traverse. The R-superscripts in the structures of claims 12-17 are very clearly 1, 2, 6, and 7. In claims 18-20, the R-superscript is very clearly 1. In addition, the claims are amended to include each definition. Applicants respectfully request withdrawal of the rejection.

Rejection Under 35 U.S.C. § 102(b)

The Office Action rejects claims 1-22 under 35 U.S.C. § 102(b) as being anticipated by Zheng et al. (Chem. Pharm. Bull. (2000), vol. 48, issue 11, pages 1761-1765) and separately as being anticipated by Rinehart et al., US 5,514,708.

The Office Action cites compound 4(1) of Zheng. Compound 4(1) of Zheng is as follows:



Myriaporone 4 (1)

(structure cut-and-pasted from Zheng, page 1761). The Office Action states that the compound anticipates prodrug and/or derivative of the compounds in claims 1-22. The Office Action further states that by “deleting derivative and prodrug the rejection would be overcome” (Office Action, page 4, lines 1-2). Applicants respectfully traverse. However, in order to advance

prosecution, the terms derivative and prodrug are deleted. Applicants respectfully request withdrawal of the rejection.

The Office Action states that “Rinehart et al., disclose compounds 1, 3-4, their compositions, isomers and racemates. The compound anticipates prodrug and/or derivative of the compounds in claims 1-22. By deleting derivative and prodrug the rejection would be overcome” (Office Action, page 4, lines 3-5). Applicants respectfully traverse. However, in order to advance prosecution, the terms derivative and prodrug are deleted. Applicants respectfully request withdrawal of the rejection.

Request for Rejoinder

Applicants believe that all rejections are overcome, and the examined claims are therefore allowable. Consistent with the Examiner’s comments on rejoinder in the Restriction Requirement of October 10, 2007, Applicants respectfully request rejoinder of claims 25-34 (directed to processes of making) to the examined product claims 1-22.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **50-3732**, Order No. 13566.105013. In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **50-3732**, Order No. 13566.105013.

Respectfully submitted,
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